REMARKS

In the Office Action mailed June 29, 2007 the Examiner noted that claims 1, 2, 4-10 and 12-16 were pending and rejected claims 1, 2, 4-10 and 12-16. No claims have been amended, no claims have been canceled, no new claims have been added and, thus, in view of the forgoing claims 1, 2, 4-10 and 12-16 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's objections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 1, 2, 4, 5, 7-10, 12, 13, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Meyer, U.S. Patent No. 6,826,715 in view of Cleary, U.S. Patent No. 5,504,905.

Meyer discusses a system for capturing computer configuration upon a program installation or request.

In the paragraph that spans pages 2 and 3, it is stated that Meyer teaches "acquiring hardware configuration information of each device (lines 52-57 of column 2) at a plurality of predetermined timing sets (lines 18-22 of column 25) by operation of a single computer program (Compaq diagnostic record tool 'cpdiaga.exe' mention in line 53 of column 2 is a single computer program), each time the computer is switched on (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup)." The Applicant respectfully disagrees and traverses the rejection with an argument. Meyer does not on acquire hardware configuration at a plurality of predetermined timing sets. On page 20 in the *Response to Arguments*, it is stated "[t]he new configuration in Meyer is captured during startup and changes the hardware/OS, which constitutes predetermined timing sets." Arguably, the BIOS of Meyer acquires the information of a hardware configuration when the system starts up. Such an acquiring operation may even happen at a predetermined time from the start of the BIOS. But, this only constitutes a single acquiring of hardware configuration information. The Office Action on page 4, second full paragraph asserts that Cleary teaches such a feature at a predetermined time. But, the acquiring of hardware configuration information when the hardware/OS changes, does not occur at a predetermined time. Nothing as cited, states that changes to the hardware or OS occur at predetermined times. Moreover, it is well know to those skilled in the art that hardware changes and OS changes happen on an ad-hoc basis when the administrator either updates devices, changes configuration or a device fails. The combination of Meyer and Cleary do not teach a plurality of predetermined timing sets. Therefore, Meyer fails to teach or suggest "acquiring

hardware configuration information of each device **at a plurality of predetermined timing sets**." (Emphasis added) Withdrawal of the rejection for this reason is requested.

Further, on page 4 of the Action, the Examiner asserts that Meyer teaches "wherein the predetermined timing sets comprise timing at the time of executing BIOS of the computer and timing **after** OS is activated." (claim 1, emphasis added) and points to col. 25, lines 3-6 of Meyer. This text of Meyer particularly states:

> In a preferred embodiment, the presently disclosed innovation is used on a computer running any of the Windows 95/98/NT/2000 operating systems. Any other operating system may be used with the present innovations.

(See Meyer, col. 25, lines 3-6)

This text is about allowing a variety of operating systems to be used and says nothing about timings after an OS is activated. Withdrawal of the rejection for this further reason is requested.

Independent claims 7, 9, 13, 15 and 16 are each unique from claim 1, but the features discusses above apply likewise to claims 7, 9, 13, 15 and 16.

Therefore, Meyer and Cleary taken separately or in combination, fail to teach or suggest the elements of claims 1, 7, 9, 13, 15 and 16 and the claims dependent therefrom.

Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Meyer in view of Cleary in further view of Burgess, U.S. Patent No. 5,758,071.

Burgess adds nothing to the combination of Meyer and Cleary as regards the independent claims. Therefore, Meyer, Cleary and Burgess taken separately or in combination fail to teach or suggest the elements of claims 6 and 14.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 1, 2, 4-10 and 12-16 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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